

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Deployment of Wireline Services)	CC Docket No. 98-147
Offering Advanced Telecommunications)	
Capability)	

**COMMENTS OF SPRINT CORPORATION ON JOINT
PETITION FOR CLARIFICATION OR RECONSIDERATION**

Pursuant to the Common Carrier Bureau's public notice, published October 4, 2001,¹ and Section 1.4(b)(1) of the Commission's rules, 47 C.F.R. Section 1.4(b)(1), Sprint Corporation ("Sprint") respectfully files these comments in response to the Joint Petition for Partial Reconsideration or Clarification filed jointly by Association for Local Telecommunications Services, e.spire Communications, Inc., KMC Telecom, Inc., McLeodUSA Telecommunications Services, Inc. and NuVox, Inc. ("petitioners").²

The petitioners raise two related issues with the Collocation Remand Order.³

First, they ask that the order be reconsidered and modified to provide for strictly federal

¹ Public Notice, Report No. 2505, 66 Fed. Reg. 50,655 (October 4,2001). On October 17,2001, the Commission extended the date for filing these comments until October 22,2001. Public Notice, DA 01-2436.

² Joint Petition for Partial Clarification or Reconsideration, filed September 19,2001 ("Petition").

³ Deployment of Wireline Services Offering Advanced Telecommunications Capability, Fourth Report and Order, Docket No. 88-147, FCC 01-204 (rel. Aug. 8,2001) ("Collocation Remand Order").

oversight and enforcement. Second, they ask the Commission to clarify that all incumbent local exchange carriers subject to collocation rules ("ILECs") must include in their federal tariffs -- by a date certain -- the rates, terms, and conditions for cross-connects. Sprint supports the petitioners on both issues.

The Collocation Remand Order recognizes the importance of cross-connects in fostering competition in the provision of local exchange services.⁴ Sprint sees cross-connects as truly an essential step to allow the continued development of viable, facilities-based local exchange competition.

The order, however, provides little direction about how cross-connects are to be provided. It also does not address pricing and conditions for this service, tariffing, dispute resolution, or enforcement of ILECs' cross-connect obligations. The order merely states that the Commission "anticipate[s] that cross-connect disputes, like other interconnection related disputes, can be addressed in the first instance at the state level."⁵ Sprint agrees with Commissioner Martin that the FCC "should be concerned with providing much-needed regulatory stability,"⁶ rather than shifting responsibility for this key issue to the state commissions.

The industry needs uniformity in the interpretation, application, and enforcement of cross-connect issues. The Collocation Remand Order sets out only a basic outline of

⁴ Collocation Remand Order at ¶¶ 63-66.

⁵ Collocation Remand Order at ¶ 84.

⁶ Collocation Remand Order, Statement of Commissioner Kevin J. Martin, Approving in Part and Concurring in Part.

ILEC cross-connect obligations. If the FCC were to avoid its responsibility for this issue, it would lead, inevitably, to dozens of state commissions creating potentially inconsistent rules and interpretations after tedious, costly, and otherwise needless multi-state litigation. In short, it would breed uncertainty, delay, and costs that serve only to stunt the development of facilities-based local exchange competition.

The FCC can expect that recalcitrant ILECs would exploit regulatory and litigation procedures at the state level to frustrate or delay the benefits of cross-connects. It is only natural that ILECs instinctively resist efforts that are designed to reduce costs and to ease market entry for facilities-based competitors. However, a continuing, state-by-state regulatory and litigation battle over cross-connect issues is not merely a heavy burden on CLECs -- especially in the current depressed industry climate -- it is also a genuine obstacle to growth of facilities-based competition. The FCC would accelerate the development of competition by addressing these issues -- something that can be done more consistently, and with less delay, at the federal level.

Sprint agrees with the petitioners that ILECs should be directed to provide for cross-connects in their federally-filed tariffs, including their rates, terms, and conditions.⁷ Realistically, there is no reason cross-connect rates and terms should not be uniformly tariffed at the federal level, and as the petitioners noted Verizon has already provided for cross-connects in its federal, interstate tariff.⁸ By definition, these cross-connects are an

⁷ Petition at 8.

⁸ Verizon's cross-connect provisions are far from complete and satisfactory, however. A review of Verizon's provisions underscores the likelihood of disputes over cross-connect arrangements. Petition at 5-6, Verizon Tariff FCC No. 1, Section 19.7.2(B).

element of interstate service if the CLEC can certify the traffic meets the requisite interstate threshold.

Where cross-connects are provided under Section 201 of the Act, it is not clear that the FCC can delegate any authority to the states. Furthermore, there is no need to have duplicative regulatory schemes for cross-connects under Section 201 and Section 251, and obviously it is illogical to have two different sets of rules depending solely on jurisdiction. Moreover, why would the FCC want to compel different pricing standards, merely depending on jurisdictional use? Such pricing anomalies are something the FCC should discourage, not promote.

ILECs should be directed to appropriately amend or update their interstate tariffs, and by a reasonable date to be specified by the FCC. These cross-connect rates should incorporate an identifiable cost basis and not reflect Individual Case Basis pricing. Sprint believes that as a matter of sound policy and consistency with the Commission's implementation of Section 251, the rates for cross-connects should be TELRIC based.

Sprint also agrees with the petitioners that enforcement of ILECs' cross-connect obligations should be streamlined.⁹ Enforcement should be available through both the FCC's informal and formal complaint procedures, and it should be subject to the Commission's accelerated dispute resolution procedures. At the state level, enforcement would be inconsistent and, usually, slower. The delays and uncertainties, the costs, and litigation issues of seeking enforcement on a state-by-state level could not help but discourage CLECs from pursuing their full rights and embolden some ILECs in their

⁹ Petition at 7.


resistance. Moreover, the FCC should be prepared to handle enforcement of the rules it itself creates.

Conclusion

For the reasons stated above, Sprint requests that the Joint Petition for Clarification or Reconsideration be granted.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read "John E. Benedict", written in a cursive style.

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Dated: October 22, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document in CC Docket No. 98-147 was sent by United States First-Class mail, postage prepaid, and/or electronic mail on this the 22nd day of October, 2001 to the following parties.


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